

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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KIRK WOOL,

Plaintiff,

v.

Case No. 2:16-cv-120

LISA MENARD, Commissioner of Vermont
Department of Corrections

Defendant.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION, DENYING PLAINTIFF'S MOTION FOR
PERMANENT INJUNCTIVE RELIEF, AND DISMISSING CASE**
(Docs. 33 & 115)

This matter came before the court for a review of the Magistrate Judge's February 14, 2017 Report and Recommendation ("R & R") (Doc. 115), in which he recommended that the court deny Plaintiff Kirk Wool's motion for permanent injunctive relief enjoining Defendant Lisa Menard from using allegedly false records created by Dr. Claire Gilligan. (Doc. 33.) On February 27, 2017, Plaintiff filed a response in which he stated that he "ma[d]e no objections" to the R & R. (Doc. 117 at 1.) To his credit, Plaintiff admits that he did not file a timely Amended Complaint because any such complaint would "be frivolous in light of the fact [he] had rescinded all federal claims." *Id.*

Plaintiff is self-represented. Defendant is represented by Assistant Attorney General Emily A. Carr.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); *Cullen v. United States*, 194 F.3d 401, 405 (2d Cir. 1999). The district judge may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); *accord Cullen*, 194 F.3d at 405. A district judge, however, is not required to review the factual

or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because Plaintiff does not object to the Magistrate Judge's conclusion that the court should deny his motion on the grounds that he asserts no remaining federal claims against Defendant, and because he has failed to establish irreparable harm if the requested relief is denied, the court adopts the Magistrate Judge's conclusions and adopts the R & R in its entirety. In addition, as Plaintiff has rescinded his federal claims and declined to file an Amended Complaint, this case must be dismissed.

CONCLUSION

For the foregoing reasons, the court hereby ADOPTS the Magistrate Judge's R & R (Doc. 115) and DENIES Plaintiff's motion for permanent injunctive relief (Doc. 33) and DISMISSES this case.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 13th day of March, 2017.



Christina Reiss, Chief Judge
United States District Court